

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 60661

Marguerite Mueller Trustee
c/o W. Michael Seganish, Esquire
606 Baltimore Avenue
Suite 202
Baltimore, MD 21204

32 Kingsley Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on August 11, 2009 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 428; Baltimore County Code (BCC) section 13-7-310, 312, 401, 402, 403, failure to remove untagged/inoperable vehicle from rear of property, failure to remove various junk and debris from property, failure to cut and remove all high grass, weeds and vegetation from residential property known as 32 Kingsley Road, 21206.

On July 30, 2009, pursuant to Baltimore County Code §3-6-205, Inspector David Kirby issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: W. Michael Seganish, Esquire, substitute Trustee and, David Kirby, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 13, 2009 for removal of untagged/inoperative motor vehicle, removal of trash and debris, and cutting of tall grass and weeds. This Citation was issued on July 30, 2009.

B. Inspector David Kirby testified that after the Correction Notice was issued, the front and side yards were cut but the rest of the property is overgrown with weeds and needs cutting. Photographs in the file show a jungle-like area with an old car barely visible. The car, an old beige or yellow sedan, is untagged and likely inoperative. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B).

C. Mr. Michael Seganish, Esq., is the substitute trustee for this property. The beneficiary of the trust resides in the property. Mr. Seganish stated that he will promptly get the rest of the yard cut and make any needed repairs. He agreed that the vehicle must be removed, and requested that the Hearing Officer direct the County to remove the vehicle at the property owner's expense. He stated that he will promptly pay the resulting bill with funds from the trust.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by September 2, 2009, with all tall grass and weeds cut down and all trash and debris removed from the property. If the Respondent fails to correct the violations, the civil penalty shall be imposed.

IT IS FURTHER ORDERED that Baltimore County may enter the property for the purpose of removing the untagged motor vehicle, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within 30 days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 18th day of August 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.